

21/02109/OUT

Applicant Mr B Thomson

Location Land At Former Bunny Brickworks Site Loughborough Road Bunny Nottinghamshire

Proposal Outline application for the erection of up to 110 dwellings and up to 5,600sqm of employment units including associated infrastructure, access, roadway, parking and landscape/amenity areas (all matters reserved except for access).

Ward Bunny

Full details of the application can be found [here](#).

THE SITE AND SURROUNDINGS

1. The application relates to a 6.79 hectare site located to the south of Gotham Lane and to the west of the A60 that was formerly occupied by Bunny brickworks. The site has been cleared of structures for over two decades and comprises largely of hardstanding to the south of the site with scrub vegetation to the north of the site. There are residential properties to the north on Gotham Lane, commercial premises to the west and an aggregates processing site to the south. The site is inset from the Green Belt. The Bunny Conservation Area is located approximately 300 metres to the north of the site. The site falls within an area of archaeological potential. The site falls within flood zone 1 (low flood risk). Part of the north of the site falls within an area of medium- high risk of surface water flooding.

DETAILS OF THE PROPOSAL

2. The application seeks outline planning permission with all matters reserved except for access, for the erection of up to 110 dwellings and up to 5,600 sqm of employment units and associated infrastructure, access and landscaping. The indicative layout plans proposes housing served by a new vehicular access off Gotham Lane, and employment uses to the south of the site, taking access from the existing access point off the A60 serving Johnsons Aggregate. The indicative plans show open space and attenuation to the west of the site, landscaping on the A60 frontage and a planted buffer between the residential and commercial uses. The plans show a pedestrian link between the residential and employment areas.
3. The application is accompanied by:
 - Indicative masterplan (revised 6 May 2022)
 - Topographical survey
 - Planning Statement and Design and Access Statement
 - Phase 1 and 2 Geo- Environmental Assessment
 - Tree Survey Plan
 - Tree Constraints Plan

- Preliminary Ecological Appraisal
- Ecological Opportunities and Constraints Plan
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment and associated plans and appendices
- TA update letter- traffic counts
- Archaeology Assessment.

SITE HISTORY

4. 97/00527/OUT- Construct buildings for B1 (business) B2 (general industry) B8 (warehouse) uses; new access road (outline). Approved.
5. 03/00918/OUT- Residential development; realign route/junction of Gotham Lane/Loughborough Road. Refused.
6. 05/00390/OUT- Construct buildings for B1 (business), B2 (general industry) and B8 (warehouse) uses; layout new access roads/parking; realign Gotham Lane. Approved. Reserved matters approved under 08/01289/REM. Application to extend the life of both applications approved under 10/00777/EXT.

REPRESENTATIONS

Copies of all representations can be found [here](#).

Ward Councillor(s)

7. One Ward Councillor (Cllr Edyvean) objects to the application commenting that he believes any application on the site should be accompanied by a master plan given the potential size of the development. An outline application is not acceptable and it is essential that the site is planned as a whole in detail to fully understand the impact of the development.
8. One former Ward Councillor (Cllr Adair) objects to the application on the basis that it is excessive and it requests 110 properties to be built in that part of the village. The proposed infrastructure is not practical to handle that size of development in those surroundings as it does not give the necessary capacity for the area. The Highways proposal falls short of providing suitable traffic flows on an already busy A60, the junctions on to Gotham lane need to be changed so that the residents are protected from the much increased traffic flows.

Town/Parish Council

9. Bunny Parish Council object to the application for the following reasons:
 - a. Planning for development had been refused on the site in 2003
 - b. Access dangers
 - c. Noise pollution at the site access unacceptable
 - d. Restricted view at the access point
 - e. The access/egress is onto a minor road which is already busy
 - f. Traffic entering the village, much of it heavy goods vehicles from British Gypsum, particularly on Gotham Lane, will create the probability of congestion and additional dangers in connection access traffic

- g. Traffic calming.
10. Highways Access Solutions (HAS) have submitted a representation on behalf of Bunny Parish Council. In summary, the concerns raised in the letter are as follows:
- a. Concerns regarding the report date of the Transport Assessment
 - b. Subsequent Transport Assessment Update Letter is brief and does not cover changes to the Nottinghamshire Highway Design Guide, Design Manual for Roads and Bridges and to the NPPF
 - c. Previous concerns on the site have expired and are of negligible relevance
 - d. Reference should be made to LPP2 Policy 14 and the hierarchical approach should be followed for new infrastructure
 - e. Reference made to the traffic impact considerations within the SHLAA
 - f. No meaningful improvements to pedestrian, cycle or public transport infrastructure/ sustainable travel infrastructure
 - g. No mitigation of off- site impacts on the county highway network
 - h. No evidence of recent scoping discussions for the TA
 - i. No reference to substandard footways, crossing facilities, provision for disabled/ partially sighted persons or the location of key local facilities
 - j. No local cycle infrastructure identified or reference to factors which may deter cyclists
 - k. Access distances to bus stops quoted from the site access, access from some parts of the site may be up to 600m, no reference of pedestrian infrastructure to access bus stops
 - l. Likely severe impacts on local network capacity
 - m. Only the half hourly Kinchbus would provide any meaningful public transport
 - n. No reference to multi-modal trip generation data etc to estimate likely demand by sustainable modes. No evidence of local public transport capacity
 - o. No travel plan submitted
 - p. Concern whether the required visibility splay onto the A60 can be delivered or the works required
 - q. Safety concerns regarding a new uncontrolled crossing on the A60.
 - r. No consideration of pedestrian links to Bunny Trading Estate
 - s. Question validity of vehicular tracking
 - t. No road safety audit
 - u. Concerns regarding highway capacity network in terms of baseline date, a lack of reference to committee developments in the study area and the impact on traffic capacity, the validity of 'Reference Case 2' in the TA, concerns regarding traffic modelling of Gotham Lane A60/ Kirk Lane junctions and lack of modelling for the A52 Nottingham Knight junction.
11. The agent has provided a response letter to the above points, received on 13th October 2021.

Statutory and Other Consultees

12. Highways England - no objection.
13. Natural England - No objection. Based on the plans submitted it is not considered that the development would have an adverse impact on statutorily

protected nature conservation sites or landscapes. General advice is detailed in Annex A attached to their comments.

14. Trent Valley Internal Drainage Board comment that the site is partially within their district. There are no Board- maintained watercourses in close proximity to the site. The alteration/ obstruction of watercourses or any works that increase the flow or volume of water to any watercourse/ culvert requires the Board's consent. Water run-off rates must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
15. The Environment Agency does not object subject to a condition in relation to contamination as detailed in their consultee response.
16. The Lead Local Flood Authority (Nottinghamshire County Council) does not object subject to a condition that a detailed surface water drainage scheme based on the submitted Flood Risk Assessment has been submitted to and approved in writing by the Borough Council.
17. The Highway Authority (Nottinghamshire County Council) initially commented seeking additional information and suggesting conditions.
18. Discussions have taken place with the Highways Authority, Transport Facilities and Transport and Travel Services. The Highway Authority have confirmed that it would not be feasible to require two new bus stops on the A60 and therefore the intention is to improve the infrastructure of the closest existing stops. A number of highway infrastructure improvements are sought as set out in the consultee response.
19. In addition, discussions have taken place with the Highway Authority regarding visibility splays. A copy of the visibility splays provided with the Transport Assessment were forwarded to Highways for their consideration. They confirm that they are happy with the plans and would be happy to agree to the standard condition requiring the visibility splays to be kept clear of obstructions.
20. With regard to the initial query regarding signal modelling, the Highway Authority note that the Kirk Lane signals already have MOVA control and are the subject of an improvement/ mitigation scheme from the Mere Way development and the Signal Team has not requested for additional work to be carried out. No further information is required from the application at this stage.
21. Nottinghamshire County Council Planning Policy provided comments on the application summarised as follows:
 - a. The site falls within a Minerals Safeguarding and Consultation Area for gypsum. There is the possibility of previous underground extraction throughout the MSA/MCA area and the applicant is advised to discuss this with British Gypsum. Subject to no issues being raised by British Gypsum, it is not considered that there will be any impacts on the gypsum mineral resource
 - b. The proposed development would likely be exposed to some environmental impacts from the adjacent active waste management site

i.e. noise. The applicant of the proposed development should ensure appropriate and adequate mitigations are put in place to ensure the established waste facility of Johnsons Aggregates is safeguarded and can continue to operate without additional restrictions being imposed which may render the facility unviable. The applicant has sought to mitigate some of the impact by location the employment element to the south of the site and using landscaping to form a buffer. Whilst these measures are welcomed, there is some concern that the dwellings within the South-eastern corner, which abut the access road used by Johnsons Aggregates and is proposed to be used by the new employment units, could be exposed to environmental impacts such as road noise and dust. The applicant therefore may wish to consider whether appropriate mitigations are in place to protect these dwellings from adverse impacts and if further measures are needed. Mitigation measures should be sufficient to ensure there would be no detrimental effects to the existing waste management site and sterilisation of the site is prevented

- c. It would be useful for the application to be supported by a waste audit as it is likely to generate significant volumes of waste
- d. Planning obligations are detailed in the consultee response with justification set out in Appendix 1.

22. NHS Nottingham and Nottinghamshire CCG/ ICB have provided details of planning obligations that are sought.

23. NHS Nottingham University Hospitals Trust have provided details of planning obligations that are sought.

Nottinghamshire County Council

24. Nottinghamshire County Council Education have provided details of planning obligations that are sought.

25. Nottinghamshire County Council's Archaeology Officer submitted comments on 10 August 2021 noting the archaeological potential of the site and therefore requesting the submission of an archaeological desk based assessment prior to determination. The applicant subsequently submitted an archaeological assessment following which further comments were received on 13 December noting that there are potentially significant prehistoric and roman remains a short distance from the application site. whilst the potential for archaeological remains across the site are low, any remains present could be of regional significance. The results of evaluation should be made available prior to the determination of the application.

26. Discussions took place with the Archaeology Officer to confirm whether the archaeological potential is significant enough that it could preclude the development of the site as a whole, or whether further survey work such as trial trenches could be considered as reserved matters stage. The Archaeology Officer submitted further comments on 19 January 2022 commenting that they do not consider that the archaeological potential of the site is significant enough to preclude development and that further survey work can be considered at reserved matters stage. There are some significant Roman features in the immediate vicinity of the site and the officer wants to ensure that the developer is not going to encounter anything tricky and unexpected on those parts of the site that have not been quarried out.

The likelihood is that any Roman settlement was on the higher ground, but if they were exploiting the mineral resources here there may also be activity on the lower ground, and such activity would have regional significance.

27. Nottinghamshire Wildlife Trust note the submitted surveys for bats and reptiles but they have not seen the (confidential) badger report. Semi-natural vegetation has developed on site which would not be possible to retain resulting in a loss of biodiversity. The ecology survey states that there would be off-site compensation for the loss of Open Mosaic Habitats, however it is unclear how this will be achieved. The submission of a Biodiversity New Gain assessment would be expected, with this they are not convinced that the implementation of the scheme would result in no residual effects on biodiversity.

Rushcliffe Borough Council

28. Senior Ecology and Sustainability Officer comments that the updated ecology report and biodiversity baseline assessment appear to have been carried out in accordance with good practice and are in date. A Biodiversity Net Gain baseline assessment has also been provided. Badgers are supported on the site but no active sets have been identified. The site supports foraging bats and roosting/ foraging birds and invertebrates, and is likely to support hedgehogs and common amphibians. No priority habitats were identified on site. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by the development if appropriate mitigation is taken. A number of recommendations are set out in the consultee response.
29. Environmental Health Officer recommends conditions to control and manage noise impacts and potential nuisance from the proposed development including a Noise Impact Assessment and, Method Statement for construction and demolition, and a method statement for piling. Having reviewed the Phase 1 and 2 Geo-Environmental Assessments, the officer is satisfied with the results of the ground gas monitoring and soil sampling. A number of conditions are recommended in relation to remediation, validation and the importing of topsoil. Conditions are also recommended in relation to the commercial units in relation to lighting, hours of delivery and waste collection, and noise levels for any externally mounted plant or equipment.
30. Waste and Recycling Officer has provided standing advice for waste collection.
31. Communities Officer comment that based on 110 dwellings and an average of 2.3 residents per dwelling, this equates to 253 new residents creating additional demand which cannot be met by existing provision. The consultee response sets out the requirements for the provision of children's equipped play space, unequipped play/ amenity public open space, sports and leisure provision, and allotments.
32. Planning Policy Team - have submitted comments setting out the national and local planning considerations for the application. The main points are as follows:
- a. The site is allocated for around 100 homes
 - b. The development would be subject to the requirements set out in LPP2

Policy 23

- c. The quantum of residential development proposed is considered acceptable
 - d. The use of the southern part of the site for employment would provide a buffer between the residential element and the existing employment uses.
 - e. There is a requirement to increase biodiversity.
33. Strategic Housing Officer - seeks 30% affordable housing on the site equating to 33 dwellings equating to 14 intermediate units, 13 affordable rent and 6 social rent units. A breakdown of affordable housing that should be sought to meet existing and predicted needs is set out in the consultee response. Requirements for affordable housing provision, the definition of affordable housing provision, tenure type and layout requirements are detailed in the consultee response.
34. Further comments were received on 14 February 2023 setting out the requirement for 25% of the affordable housing contribution to be First Homes. A revised breakdown of affordable housing that should be sought to meet existing and predicted needs is set out in the consultee response.
35. Senior Design and Landscape Officer - provided comments on the proposed access off Gotham Lane. The vegetation at the access point is an old hedgerow that has been allowed to grow into a continuous line of scrub, giving it a category C rating as trees of low quality. Despite this, the belt of vegetation does have positive amenity value due to its roadside location and the fact it provides an effective screen. The location of the proposed access seems to have some benefits, providing a better link from the site to the village than an access onto the A60. Due to the bend in the road, the requirement for visibility splays seems to be minimal and does not affect the vegetation to either side of the access. The extent of vegetation removal required should be low and it allows the retention of better quality mature trees along the roadside such as T20. The exact extent of hedgerow removal required to facilitate the access is not detailed and this would need to be conditioned. The reserved matters application would also need to demonstrate how replacement planting elsewhere on the site would mitigate the loss of this section of vegetation. Given that the site is allocated in the local plan, the removal of a short section of vegetation to facilitate access seems reasonable.
36. Emergency Planner- no comments.

Local Residents and the General Public

37. 95 representations have been received from neighbours and members of public objecting to the application with the comments summarised as follows:

Highways

- a. A60 already dangerous due to speeding vehicles
- b. Speed limit on Gotham Lane not observed
- c. Access is off Gotham Lane which already has traffic problems
- d. Increased traffic generation
- e. Risk of accidents from vehicles travelling down Bunny Hill
- f. Proposed access is in a dangerous location
- g. Increased risk of accidents from increased traffic

- h. Previous applications proposed a new access from the Bunny Trading Est to A60 higher up Bunny Hill and making Gotham Lane a cul-de-sac
- i. Inadequate pavements on Gotham Lane
- j. Query if pavements from the site to Bunny are to be upgraded
- k. Parking on pavements on Gotham Lane cause pedestrians to walk into the road
- l. Limited visibility at the turn into Gotham Lane off A60
- m. Gotham Lane often single width due to on- street parking
- n. Entrance on a dangerous corner
- o. Traffic survey conducted during August 2020- reduced traffic due to Covid 19 and school holidays
- p. No safe cycling on A60 to Nottingham/ Loughborough
- q. Already an increased volume of HGV's in past 2-3 years
- r. Existing traffic issues on Gotham Lane restricting access from driveways
- s. A large volume of HGV's and agricultural traffic uses Gotham Lane
- t. Access on to Gotham Lane a blind spot
- u. Noise / pollution impact of access on nearby residents
- v. Not safe for HGV's to run right onto the A60 and right again into the industrial site
- w. Cars turning out of the site at risk of collision due to cars parked on Gotham Lane
- x. No mitigation proposed despite the traffic assessment identifying g increased queuing at the A60/Gotham Lane junction
- y. The main site access should be off the A60 with a proper junction i.e., a roundabout
- z. Shared access roads do not feel safe for pedestrians, concern over few footpaths on the site plan
- aa. Increased traffic from other residential development in the area. Traffic data does not appear to take this into account particularly the growth of East Leake
- bb. Appears to be inadequate parking
- cc. Already congestion issues during school drop off/ pick up
- dd. No pedestrian crossing on Gotham Road, lack of safe crossing on A60
- ee. Gotham Lane not safe for cyclists due to parking and limited visibility
- ff. Traffic calming should be conditioned on Gotham Lane.

Services/ infrastructure

- gg. School too small to accommodate additional children
- hh. Medical facilities already overstretched
- ii. Insufficient facilities within the village to accommodate houses
- jj. No amenities for the prospective residents
- kk. Would increase village population over 30%
- ll. Drainage and electricity system under strain
- mm. Limited local amenities in the village
- nn. Shopping/ leisure not all accessible by public transport
- oo. Services under pressure from other developments in the vicinity
- pp. A reduction in bus service has been announced
- qq. Lack of recreational facilities for children.

Wildlife

- rr. Impact of housing on wildlife
- ss. Close to wildlife area
- tt. Nature has reclaimed the site due to long- term vacancy
- uu. Question if the site is still brownfield

- vv. Known bat roosting sites within the area that could be heavily impacted
- ww. Flooding
- xx. Flood impact of increased runoff from additional housing
- yy. Loss of natural soakaway at the bottom of Bunny Hill
- zz. Impact on Fairham Brook which previously flooded in 2019
- aaa. Surface water discharge into Fairham Brook would be unacceptable
- bbb. Flooding of A60
- ccc. Visual amenity
- ddd. Out of character with the village in size and style
- eee. Loss of green surroundings
- fff. Loss of community feel.

Other

- ggg. Impact on future residents/ workers from the Johnsons site (noise/ dust/ odour)
- hhh. Past similar applications on the site have been refused
- iii. Impact on existing residents
- jjj. Contamination
- kkk. High density of development
- lll. Impact of construction vehicles
- mmm. Increased pollution from vehicles
- nnn. Noise/ pollution impacts of proposed employment units
- ooo. Previous refusal on the grounds that the access was too close to an existing exit serving housing
- ppp. An application for a glamping site on Gotham Lane was refused with access being cited as one of the issues
- qqq. Brownfield area of the site should be developed sympathetically to support rural, environmentally friendly & sustainable low impact businesses and small industry
- rrr. Parking spaces should have electric charging points
- sss. Houses need to be carbon neutral to meet the Rushcliffe carbon neutral 2030 criteria
- ttt. Substandard internet provision
- uuu. Houses not for locals/ too expensive
- vvv. Bus service not reliable
- www. Proximity to waste tip, ventilation shafts for dangerous gases, has sufficient work been done to ascertain what is underneath the proposed houses/ employment uses?
- xxx. Scale of development risks undermining the character of the Bunny Conservation Area
- yyy. Foul sewer to which the development would connect runs through private lane, details of widening/ alteration needed
- zzz. Any making food to private land should be paid for by the developer
- aaaa. Further residents should be made aware of working gypsum mine beneath the site
- bbbb. Affordable units should not be sited solely adjacent to the industrial area.

38. Two representations have been received from neighbours/ members of public neither objecting to or supporting the application with comments summarised as follows:
- a. Impact on local environment and road usage must be considered, with mitigation measures
 - b. Need to address safety and traffic situation on Gotham Lane and within Bunny

- c. Pedestrians poorly served on the A60 towards Bunny Hill and on Gotham Lane beyond the houses on the northern side, this needs to be addressed
 - d. Access would be better sited at the existing Johnson's access, with an island to slow traffic down the hill and an extended 30mph speed limit to this and 20mph limit around the school
 - e. Developer should provide a health centre.
39. A representation has been received on behalf of the neighbouring Johnsons Aggregates waste recycling business in objection to the proposal. The full set of comments are on the planning file with the key points summarised as follows:
- a. Conflict with national policy- Paras 187 and 188 of the NPPF and the agent of change principle under para 009 of Planning Practice Guidance
 - b. Conflict with development plan- LPP2 Policy 23 states the southern half of the site must comprise employment uses, only 28% of the site proposed for employment
 - c. No employment buffer between the access to the aggregates site and the proposed residential properties, proximity of HGV route to dwellings
 - d. Housing numbers beyond the 100 recommended in Policy 23
 - e. Insufficient open space provided, insufficient spare space to reconfigure the site so as not to encroach upon the southern half of the site, bringing dwellings closer to the site than policy 23 intends
 - f. Do not consider that the proposed B2 uses as a 'buffer' would soften the impact of the waste management operations on residential properties but rather result in a further loss of amenity
 - g. Planning statement states that existing vegetation is to be retained which is not the case, conflict with LPP2 Policy 23 c). Potential loss of trees which provide a buffer
 - h. Conflict between users of the access for the Johnsons site and those associated with the employment uses
 - i. Does not safeguard the waste management site in accordance with NCC policy
 - j. Previous application 03/00918/OUT for residential development was refused with reasons including conflict with the adjoining waste management operations.

PLANNING POLICY

40. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the 2021 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

41. A copy of the National Planning Policy Framework (NPPF) 2021 can be found [here](#).
42. A copy of the Planning Practice Guidance can be found [here](#).
43. The relevant national policy considerations for this proposal are those contained within the NPPF (2021) and the proposal shall be considered

within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay.

44. The relevant policies from the NPPF are:
- Chapter 2 (Achieving sustainable development)
 - Chapter 4 (Decision-making)
 - Chapter 5 (Delivering a sufficient supply of homes)
 - Chapter 6 (Building a strong, competitive economy)
 - Chapter 8 (Promoting healthy and safe communities)
 - Chapter 9 (Promoting sustainable transport)
 - Chapter 12 (Achieving well- designed places)
 - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)
 - Chapter 15 (Conserving and enhancing the natural environment)
 - Chapter 16 (Conserving and enhancing the historic environment)
 - Chapter 17 (Facilitating the sustainable use of minerals).

Relevant Local Planning Policies and Guidance

45. Policies in the Local Plan Part 1: Core Strategy can be found [here](#).

46. The relevant policies from the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development)
 - Policy 2 (Climate Change)
 - Policy 3 (Spatial Strategy).
 - Policy 5 (Employment Provision and Economic Development)
 - Policy 8 (Housing Size, Mix and Choice)
 - Policy 11 (Historic Environment)
 - Policy 14 (Managing Travel Demand)
 - Policy 16 (Green Infrastructure, Landscape, Parks and Open Space)
 - Policy 17 (Biodiversity)
 - Policy 18 (Infrastructure)
 - Policy 19 (Developer Contributions).

Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

47. The relevant policies from the LPP2 are:
- Policy 1 (Development Requirements)
 - Policy 15 (Employment Development)
 - Policy 17 (Managing Flood Risk)
 - Policy 18 (Surface Water Management)
 - Policy 19 (Development Affecting Watercourses)
 - Policy 20 (Managing Water Quality)
 - Policy 23 (Redevelopment of Bunny Brickworks)
 - Policy 29 (Development affecting Archaeological Sites)
 - Policy 32 (Recreational Open Space)
 - Policy 35 (Green Infrastructure Network and Urban Fringe)
 - Policy 37 (Trees and Woodlands)
 - Policy 39 (Health Impacts of Development)

- Policy 40 (Pollution and Land Contamination)
- Policy 43 (Planning Obligations Threshold).

APPRAISAL

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
49. The application seeks outline planning permission including the approval of the matter of access. Matters of appearance, layout, scale and landscaping are to be considered at Reserved Matters stage should outline planning permission be granted.

Principle of development

50. The application site is inset from the Green Belt following the adoption of the LPP2. Bunny falls outside of the Key Settlements identified for growth under Policy 3 of the LPP1 and it does not fall within one of the 'other villages' identified in the LPP2 as potentially suitable for a limited level of new housing. However paragraph 7.1 of the LPP2 considers that to support the regeneration of the partially previously developed site, the inclusion of housing and employment on the site is considered sustainable. Accordingly, the site is identified as an allocation for around 100 homes under policy 23 (Redevelopment of Bunny Brickworks) of the LPP2. The development will be subject to the following requirements:
- a. the southern half of the site must be safeguarded and developed for employment purposes (B1, B2 and B8);
 - b. once occupied, the amenity of residents should not be adversely affected by noise, odour or dust resulting from the activities of the neighbouring employment site;
 - c. loss of any priority habitats, including woodland and hedgerow, should be avoided, mitigated, or, as a last resort off-set; and
 - d. it should be consistent with other relevant policies in the Local Plan.
51. Whilst policy 23 sets an allocation for around 100 homes, this is not an absolute figure and Planning Policy consider the proposed figure of up to 110 dwellings to be acceptable. As the application site is a development allocation, LPP2 Policy 22 (Development Within the Countryside) does not apply.
52. In considering criteria a)- b) of LPP2 Policy 23, a key consideration is the relationship between the Johnsons Aggregates site and the proposed residential development. Policy 1(8) of the LPP2 states, inter alia, that planning permission will be granted where the amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses.

53. The operations at the aggregates site could result in the exposure of future residents to environmental impacts such as noise, which in turn could place pressure on the viable continued operations at the aggregates site. The concerns raised in the letter of objection from Johnsons Aggregates to this effect are noted. Paragraph 210e) of the NPPF states that planning policies should “safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material”. Paragraph 212 states that “Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working”.
54. The County Council in their capacity as the minerals and waste authority consider that “it would be for the applicant of this proposed development to ensure appropriate and adequate mitigations are put in place to ensure the established waste facility of Johnsons Aggregates is safeguarded and can continue to operate without additional restrictions being imposed which may render the facility unviable”.
55. The indicative masterplan shows employment uses to the south of the site with a planted buffer between the employment and residential uses. The proposed employment use would provide a buffer between the residential element and the existing aggregates site and is considered acceptable in principle, subject to Environmental Health considerations including the submission of an appropriate Noise Impact Assessment.
56. The County Council comment that they welcome these measures to provide a buffer between the residential development and the aggregates site, however they have raised some concerns regarding potential noise and dust impacts on the dwellings to the south west corner abutting the access road serving the aggregates site. The letter of representation on behalf of Johnsons Aggregates also raises concerns regarding the siting of dwellings adjacent to the shared access and the potential impact of HGV movements on future occupants which could prejudice future business operations. The submitted layout plan, including the layout of dwellings and public open spaces, is however purely indicative and it would be subject to consideration at reserved matters stage.
57. Further mitigation measures may be needed to protect the amenities of these dwellings, however it is likely that this can be addressed through appropriate design and layout at reserved matters stage. Accordingly, it is not considered that the aggregates site would preclude the residential development of the site of the quantum that is proposed.
58. In considering criterion c) of LPP2 Policy 23, the application site comprises previously developed land with predominantly hardstanding to the south and areas of grassland and scrubland that have become more established to the north. Mature tree cover is predominantly focused along the eastern and northern boundaries.
59. Policy 17 of the LPP1 requires an increase in biodiversity and additionally Policy 18 of the LPP2 requires management of surface water, and require all

developments preserve, restore, and re-create priority habitats in order to achieve net gains in biodiversity.

60. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. Policy 38 of the LPP2 (Non Designated Biodiversity Assets and the Wider Ecological Network) requires that "where appropriate, all developments will be expected to preserve restore and recreate priority habitats and the protection and recovery of priority species in order to achieve net gains to biodiversity.
61. The application is accompanied by an Ecological Impact Assessment and a Biodiversity Baseline Assessment which appear to have been carried out in accordance with good practice and are in date. The site supports foraging bats and roosting and foraging birds and invertebrates, and is likely to support hedgehogs and common amphibians. No priority habitats have been identified on site. The development provides opportunities for ecological enhancement. The submission includes an Ecological Opportunities and Constraints Plan which shows a 10 metre woodland buffer to the north east of the site, the retention of trees and hedgerow along the A60 frontage, the retention of mature tree T16 within the site and the potential retention of trees T18 and T20 on the Gotham Lane frontage. The Indicative masterplan identifies a large attenuation pond, and other areas intended to improve biodiversity which have the potential to provide priority habitats. In accordance with Policy 38 of the LPP2, the creation of these areas and retention of hedgerows provide an opportunity to deliver multiple benefits for both residents and wildlife and ensure a net-gain in biodiversity is achieved. These matters would be subject to a suitable landscaping scheme at reserved matters stage.

Matter of access

62. The proposal falls to be considered under criterion 2 of Policy 1 (Development Requirements) of the LPP2, which states that: Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:
2. a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority.
63. The application seeks the formation of a new access off Gotham Lane to serve the proposed residential development. The employment uses to the south of the site would be served from the existing access point off the A60 serving Johnsons Aggregate. The TA includes plans to show the visibility splays from both access points. The new access on to Gotham Lane would be onto a section of road covered by a 30mph speed limit although it would be close to the transition to national speed limit to the west. The TA shows that the proposed access could achieve a visibility splay of 2.4x 215m to the west which is commensurate to a vehicular speed of 62 mph, thus allowing sufficient visibility of vehicles approaching the 30mph zone from the national speed limit. To the east a visibility splay of 2.4x 90 metres is shown which is sufficient for a 30mph speed limit. The TA shows that the existing access

point can achieve a visibility splay of 2.4x 160m in both directions across the frontage verge, commensurate to the 50mph speed limit. The Highway Authority are satisfied with the proposed access arrangements subject to ensuring that the proposed visibility splays are kept obstruction-free for the lifetime of the development.

64. In terms of pedestrian access, the originally submitted indicative layout plan showed the residential area accessed from Gotham Lane and the commercial area accessed from the A60, with no pedestrian linkage between the two. The Highway Authority raised concerns regarding the substandard footway along the A60 and clarified that they would not seek new bus stop provision close to the A60 access, due to the lack of ability to provide safe crossing facilities at this location on a 50mph road. Accordingly, the Highway Authority seek improvements to the existing bus stop provision, and pedestrian linkage through the site to the commercial element, with the intention that pedestrians would access the commercial and residential uses along Gotham Lane rather than via the A60. Discussions took place and a revised indicative layout plan was provided showing a pedestrian link between the residential and commercial area of the site.
65. Policy 14(1) of the LPP1 (Managing Travel Demand) state that “The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments”. The site does not fall within one of the Key Settlements identified for growth in LPP2 Policy 3, however it is an allocated site in the LPP2. Various highway improvements are sought, to facilitate access from the site to the closest bus stops and Bunny village comprising the following:
- Widening the footway to 2m width on the south side on Gotham Lane from the residential access road of the development to about 200m, at a location where an informal crossing facility can be provided
 - Widening the existing narrow footpath to 2m width, linking Gotham Lane to the A60 Loughborough Road
 - Widening the footway to 2m width on the west side of the A60 Loughborough Road from the footpath to the informal crossing north of the A60 Loughborough Road
 - Re-aligning the road markings at the junction of A60 Loughborough Road and Gotham Lane to extend the right turning lane to accommodate more vehicles turning right into Gotham Lane.
66. It is considered that appropriate access arrangements and infrastructure improvements could be secured through the imposition of suitable conditions and S278 agreements.
67. The application is accompanied by a Transport Assessment (TA) produced in December 2019. An update letter has been provided dated March 2021 which states that the TA was based on traffic surveys dated November 2019 and as such unaffected by the Covid19 pandemic. It states that transport counts are normally taken as valid for a period of five years unless there has been a significant development in the local area.

68. Paragraph 113 of the NPPF states that: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Part 5.1 of the submitted TA sets out the requirements for a Travel Plan. Should planning permission be granted, a condition shall be imposed requiring the appointment of a residential travel plan co-ordinator who would be responsible for the monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan.
69. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered that the proposal access arrangement would result in a severe highway safety impact.
70. In terms of visual amenity, the proposed Gotham Lane access would require the removal of a section of frontage vegetation. This comprises an old hedgerow that has been allowed to grow into a continuous line of scrub. The submitted Arboricultural report identifies the belt of planning as a category C rating as trees of low quality. The Design and Landscape Officer notes that the belt of vegetation has a positive amenity value whilst providing an effective screen. However it is noted that there are benefits that would arise from a vehicular access in the proposed location compared to forming an additional access off the A60, for example by providing better linkage to the village. Due to the location of the proposed access on the outside of a bend, the visibility splays would be minimal and would not likely impact on the vegetation to either side of the access. The proposed access would not impact upon the 'moderate' category B tree T20 or any other category A-B trees. Should planning permission be granted, details of the exact extent of hedgerow removal required to facilitate the access shall be secured by way of a condition. Landscaping is a matter to be considered at reserved matters stage. Any reserved matters application would need to demonstrate how replacement planting elsewhere on the site would mitigate the loss of this section of vegetation. The Design and Landscape Officer considers that the removal of a short section of vegetation to facilitate access seems reasonable given that the site is allocated in the local plan.
71. In terms of residential amenity, the proposed Gotham Lane access would be approximately 50 metres from the closest residential property to the north of Gotham Lane. Based on the indicative layout plan, the Gotham Lane access would solely serve the residential element of the development. Environmental Health have not raised any noise/ disturbance concerns regarding the use of the access.
72. The Highway Authority initially commented that the traffic impact of the development on the A60- Kirk Lane junction should be considered, taking into account the committed developments at Asher Lane, land opposite Mere Way and on Wilford Road. Additional information was sought with regards to the modelling outputs for the signal junction. The Highway Authority subsequently provided further comments noting that the A60- Kirk Lane signals already have MOVA control and are the subject of an improvement/mitigation scheme from the Mere Way development and no additional work is sought as part of the current application.

Design and amenity

73. The application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval and therefore only the broadly principle of the development of the site is to be considered at outline stage. The northern boundary of the site is stepped back to the north east corner which abuts a wooded area. There is a neighbouring property immediately abutting the site to the north east at 57 Gotham Lane and properties to the north on the opposite side of Gotham Lane. The submitted indicative masterplan shows a green buffer along the boundaries with Gotham Lane and No. 57. Based on the indicative layout plan, the separation distance between No. 57 and the closest dwelling would be approximately 25 metres, with a separation distance of approximately 55 metres from the closest opposite- facing property. A development based on this indicative layout would likely provide sufficient separation distance to avoid an undue overbearing impact, overshadowing or loss of neighbouring privacy subject to an appropriate design, scale and massing.
74. Discussions have taken place with the agent following the receipt of comments from Community Development setting out our open space requirements comprising 0.139 hectares of unequipped play/ amenity public open space and 0.063 hectares of children's play. A revised indicative layout plan has been submitted which demonstrates how these open space requirements could be accommodated within the site.
75. The indicative layout of the residential appears to incorporate only limited landscaped areas and open spaces within the site, however members are advised that the application is for outline planning with access being the only matter considered at this stage. Careful consideration would need to be given to the layout and design of the scheme at reserved matters stage.

Landscape character

76. LPP2 Policy 1(7) states, inter alia, that planning permission will be granted where there are no significant adverse effects on landscape character. The site abuts an aggregates site to the south. Currently views of the aggregates site are obscured on the southern approach from Bunny Hill due to the topography, landscaped bund and vegetation screen along the highway frontage and accordingly it is likely that a suitably designed mixed use scheme would have limited prominence on the southern approach due to the screened, low- lying nature of the site.
77. There is a mound to the north of the A60 access along with frontage tree cover of approximately 6-8 metres in height screening views into the site from the A60. To the west of the site there are a collection of industrial buildings at Bunny Trading Estate which would limit views of the proposed development from the open countryside to the west. The site partly abuts Gotham Lane to the north although the neighbouring pocket of woodland north east of the site would screen views from the Gotham Lane- A60 junction. Clear views into the site would likely limited to the section of the site abutting Gotham Lane and proposed new access. Based on the indicative layout plan, it appears that a section of the existing bunding may require removal to form the

employment use access road. This may open up limited views of the proposed development from the existing A60 access.

78. It is considered that a development of an appropriate scale and height could be accommodated without resulting in a significant adverse effect on landscape character subject a robust landscaping scheme. With reference to the commercial element, it is proposed that the maximum height of the buildings is limited to 10.2 metres as per the maximum building heights set out in the plans submitted under previous application 05/00390/OUT.

Contaminated Land

79. The application is accompanied by Phase 1 and 2 Geo-Environmental Assessments and the Borough Council's Environmental Health Officer is satisfied with the results of the ground gas monitoring and soil sampling. Should planning permission be granted, conditions are proposed in relation to appropriate Remediation Scheme, Verification Report and the assessment of imported aggregate and topsoil.

Archaeology

80. The site falls within an identified area of archaeological potential. Despite the previous brickworks development, there is the potential that archaeological layers survive. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
81. The submitted Archaeological Report notes that whilst made ground and infill covers two-thirds of the southern site area, some of the northern part of the site may contain original historical ground levels. There are potentially significant Prehistoric and Roman remains a short distance from the application site. While the potential for archaeological remains across the site is low any remains that are present could be of regional significance and therefore the report recommends trial trenching.
82. The Archaeology Officer initially submitted comments stating that such investigation should be carried out prior to the determination of the application. As the application is outline with all matters reserved except for access, the siting of the dwellings and layout of the scheme would be considered at reserved matters stage. Accordingly, the agent queried whether archaeological investigation works could also be considered at reserved matters stage. Discussions took place with the Archaeology Officer to ascertain whether the archaeological potential of the site would be significant enough to preclude development as a whole. It was confirmed that this was not considered to be the case, however the developer should be mindful of the potential to encounter remains and the implications of this. Accordingly should outline planning permission be granted, a condition is proposed requiring further archaeological investigation to be carried out prior to commencement.

Employment use

83. The site is allocated for employment as part of a mixed-use development under paragraph 1) f) of Policy 15 (Employment Development) of the LPP2. Paragraph 2 of this policy states that planning permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses provided the following criteria are met:
- a. the employment use is within Use Classes B1, B2 or B8, or is an employment generating use which is compatible with its surrounding uses;
 - b. the employment use provides facilities and services which support the functioning of the employment site provided they are of an appropriate scale; and
 - c. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers
- b) The employment mix would be considered at reserved matters stage, however it would be limited to use classes B1, B2 and B8 and required by Policy 23 of the LPP2.
84. In considering residential amenity, the indicative plans show a buffer between the proposed residential and commercial areas. The impact of the commercial uses on the amenities of the residential properties would need to be carefully considered at reserved matters stage through appropriate design and noise/ disturbance mitigation measures. To minimise potential nuisance, conditions are proposed in relation to the installation of lighting, external plant and equipment, and hours of operation should planning permission be granted.

Flooding and drainage

85. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
- a) Take account of advice from the lead local flood authority;
 - b) Have appropriate proposed minimum operational standards;
 - c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) Where possible, provide multifunctional benefits.
86. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The site falls within flood zone 1 (low flood risk). Part of the north of the site falls within an area of medium- high risk of surface water flooding. The FRA seeks to address flood risk from surface water in the northern part of the site by raising ground levels in that area by up to 0.5 metres. It is not considered that the raised land levels would preclude residential development within the northern part of the site, however the design of the dwellings would need to be carefully considered at reserved matters stage to ensure that they do not become excessive in height as a result of the elevated land levels. The Lead Local Flood Authority does not object subject to a condition requiring evidence of how the on-site surface water drainage systems would be maintained and managed after completion and for the lifetime of the development. Details of surface water disposal shall be secured by way of a condition should planning permission be granted.

Health and wellbeing

87. Chapter 8 of the NPPF, Policy 12 of the LPP1 (Local Services and Healthy Lifestyles), and Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
88. The provision of open and green space, including an equipped area of play is proposed as part of the development, which would support these policy ambitions. Details of the layout and specification of equipped and unequipped spaces would be sought as part of the reserved matters. The Highway Authority request improvements to the existing bus stop infrastructure along with improvements to the pedestrian footway along Gotham Lane, encouraging alternative sustainable modes of transport to car use.

Contributions

89. The Borough Council adopted the Community Infrastructure Levy (CIL) on 7th October 2019. The proposed residential element would be CIL chargeable. In line with paragraph of the Planning Practice Guidance on Planning Obligations, affordable housing planning obligations would be sought as it comprises a major development, defined in the NPPF as development of 10 or more homes or a site area of 0.5 hectares or more.
90. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
91. The applicants have, agreed the Heads of Terms that have been put to them and a draft S106 Agreement has been received by the Borough Council. The heads of terms includes provisions for on site public open space and equipped play space; and contributions towards primary education, health and bus stop improvements.

Summary

92. The site is allocated for a mixed use residential and employment development under policy 23 of the LPP2. It is considered that the proposed access arrangements are acceptable. The overall principle of development is acceptable subject to the submission of an appropriate scheme at reserved matters stage in terms of appearance, landscaping, layout and scale.

93. For the reasons set out above it is considered that the development accords with the general national and local planning policies considered above and accordingly the approval of planning permission is recommended.
94. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.
95. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal.
96. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to Section 106 subject to the following condition

1. **An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and the development shall commence no later than two years from the date of the approval of the last reserved matter.**

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. **The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:**

- i) **Appearance**
- ii) **Landscape**
- iii) **Layout and**
- iv) **Scale.**

The areas identified for residential use and employment uses shall in be broadly in accordance with the areas shown on the submitted Indicative Layout received on 6 May 2022.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. **No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:**
 - a. **the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;**

- b. the timing of biodiversity, SUDS and landscaping features; and
- c. the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. the erection and maintenance of security hoarding including
 - e. decorative displays and facilities for public viewing, where appropriate
 - f. wheel washing facilities
 - g. details of techniques for the control of noise, dust and vibration during demolition and construction
 - h. a scheme for recycling/disposing of waste resulting from demolition
 - i. and construction works
 - j. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.

The approved Statement shall be adhered to throughout the construction period.

[In the interest of neighbouring amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition to mitigate negative impacts on neighbouring properties during construction].

5. No development shall take place in the relevant phase (other than for the access to approved by under this permission) until details of the following in respect of that phase have been submitted :-
- a. A detailed layout plan of the proposed development
 - b. The siting, design and external appearance of the proposed buildings;

- c. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
- d. Cycle and bin storage facilities;
- e. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- f. The means of enclosure to be erected on the site;
- g. The finishes for the hard-surfaced areas of the site;
- h. The layout and marking of car parking, servicing and manoeuvring areas;
- i. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
- j. The means of access within the site;
- k. Details of the means of foul and surface water drainage;
- l. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure;
- m. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include a scheme for the provision of electric charging points and measures to conserve and recycle water;
- n. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application and include an assessment the development against the Building for Life Standards
- o. Details of connectivity between the residential and employment areas
- p. Details of on-site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces with equipment for the proposed LEAP
- q. A Noise Impact Assessment prepared by a suitably qualified acoustician providing a survey of existing noise levels within and around the site; a prediction of the level of noise impact on the proposed development as a result of existing noise sources; and proposed mitigation measures to protect future occupiers of the development from existing noise generated off the site.

The development shall thereafter be undertaken in accordance with those approved details.

[To ensure an adequate form of development in the interests of highway safety, to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to ensure details are satisfactory and avoid abortive works at a later stage].

- 6. No part of the development hereby permitted shall commence until details of the new accesses, internal new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction

of the Local Planning Authority.

[In the interest of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is pre-commencement condition to ensure that the internal roads and access are constructed to the appropriate highway standards].

7. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

The scheme submitted shall provide evidence or details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

[This is a pre-commencement condition to ensure that the development does not give rise to flooding or adverse impacts on watercourses during construction, and to accord with the aims of Policy 18 (Surface Water Management 2) of the Local Plan Part 1 Rushcliffe Core Strategy].

8. No development shall take place in any relevant phase until the existing trees and/or hedges which are to be retained in or adjoining that phase have been protected in accordance with details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition to mitigate harm to trees that are have amenity value and provide screening].

9. No development shall take place in any relevant phase until such time that a scheme of archaeological investigation relevant to that phase including a program of trial trenching has been submitted to and approved in writing by the Borough Council and the scheme of investigation shall be carried out strictly in accordance with the details and methodology as approved.

[This is a pre-commencement condition to mitigate impacts on potential archaeological remains during construction and to comply with Policy 29 Development affecting Archaeological Sites of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) incorporating Reasonable Avoidance Measures (RAMs) has been submitted to and approved in writing by the local planning authority. The CEMP shall include a pre-commencement Badger Survey. The CEMP shall build upon the recommendations of:
- Ecological Impact Assessment (Weddle Landscape Design- October 2021) Section 5.2
 - Preliminary Ecological Appraisal (Weddle Landscape Design- March 2021) - Section 5
 - Badger Survey (Weddle Landscape Design- May 2021)- Section 5
- [confidential]

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre-commencement condition to ensure that the construction works ensure measures to mitigate harm to protected species and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[This is a pre-commencement condition in order to promote local employment opportunities from the start of development in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

12. No development shall commence in any relevant phase (excluding any demolition) until a detailed Remediation Scheme (RS) for that relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
 - the proposed remediation objectives and criteria; and,
 - a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2. This condition requires discharging prior to commencement to safeguard neighbouring properties and future occupiers from potential contamination risks].

- 13. Prior to the occupation or first use of the development in any relevant phase, the relevant part of the site shall be remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.**

[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2].

- 14. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.**

[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2].

- 15. No development shall take place in any relevant phase (other than for the access approved under this permission) until the details of the landscaping scheme for that phase, to include those details specified below, have been submitted to and agreed in writing by the Borough Council:**
- a. the treatment proposed for all ground surfaces, including hard areas;**
 - b. full details of tree planting;**
 - c. planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes.**
 - d. finished levels or contours;**
 - e. all existing trees, hedges and other landscape features, indicating clearly those to be removed;**
 - f. details of all boundary treatments including height, design, location, materials and finish; and**
 - g. details of how the landscape proposals comply and compliment the ecological requirements set out in the other relevant conditions**
 - h. details of minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting)**

- i. **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines).**

The works shall be carried out as approved. Any trees or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species

[To ensure the appearance of the development is satisfactory and to comply with Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces) of the Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

- 16. Prior to the commencement of development, an addendum update to the Ecological Impact Assessment (Weddle Landscape Design- October 2021) shall be submitted to and approved in writing by the Borough Council. Any mitigation measures or further surveys required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.**

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

- 17. No development in any phase shall take place (other than for the access approved under this permission) until a landscape and ecological management plan for that phase (LEMP) has been submitted and approved in writing by the Borough Council. This plan shall cover all public open space, ecological enhancement areas and Green/blue infrastructure. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan and shall allow for the means to implement this plan in perpetuity.**

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

- 18. No development shall take place in any relevant phase (other than for the access approved under this permission) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.**

[In the interest of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

- 19. No dwelling or commercial unit shall be occupied or brought into use until the associated access driveways and parking areas for that part of the development have been constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

[In the interest of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

- 20. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with the Highway Authority and the following highways works have been completed:**
- a. Widening the footway to 2m width on the south side on Gotham Lane from the residential access road of the development to suitable a location where an informal crossing facility can be provided**
 - b. Widening the existing narrow footpath to 2m width, linking Gotham Lane to the A60 Loughborough Road**
 - c. Widening the footway to 2m width on the west side of the A60 Loughborough Road from the footpath to the informal crossing north of the A60 Loughborough Road**
 - d. Re-aligning the road markings at the junction of A60 Loughborough Road and Gotham Lane to extend the right turning lane to accommodate more vehicles turning right into Gotham Lane.**

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with policy 10 (Design & Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

- 21. The residential development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator, to be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan, whose details shall be provided and shall continue to be provided thereafter to the Borough Council.**

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

- 22. The travel plan coordinator shall submit reports to and update the TRICS**

database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

23. The travel plan coordinator shall within 3 months of occupation of the final dwelling produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

24. If trees T16 and T101 and offsite tree T24 as shown on drawing BWB01 received on 17 July 2021 are to be impacted by the development a further Bat Roost Assessment must be undertaken, the results of which shall be submitted to and the mitigation measures approved in writing prior to the commencement of works on these identified trees.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

25. No non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:

- a. hours of operation of those premises
- b. hours of deliveries and waste collection
- c. details of delivery handling equipment and industrial processes to be undertaken;
- d. details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally;
- e. associated structural planting and external and internal buffer zones to mitigate any noise generated;
- f. details of refuse collection and bin storage and servicing arrangements;
- g. details of security lighting or flood lighting to be installed on the employment premises or associated open areas including lux plot of estimated illumination and designed, located and installed so as not to cause nuisance to neighbouring residents or to users of

- the highway and to avoid significant impacts on foraging commuting bats;
- h. hours of deliveries taken at or dispatched from and waste collection;
 - i. details of any outdoor storage or display of goods or materials.

The units shall thereafter be used, and any plant/equipment shall be installed, and retained in accordance with the approved scheme.

[To protect the amenities of nearby residents and the visual amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. The commercial buildings shall not exceed a height of 10.2 metres above the existing ground levels and the total floor area shall not exceed 5,600sqm.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the building hereby approved must only be used for uses within Use Class E(g)(i), (ii), and (iii), and/or Use class B2 and/or Use Class B8 purposes and for no other purpose whatsoever (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[To confirm the extent of the permission and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

28. The dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

29. The residential part of the development shall comprise no more than 110 dwellings.

[To clarify the extent of the permission and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Note-

Having regard to the above and having taken into account matters raised

there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

The development makes it necessary to construct/reinstate vehicular crossings over a footway/verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licenses@viaem.co.uk to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

- A demonstrated biodiversity net gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term and agreed by the local planning authority.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and those provided by the consultant ecologists in table 3.
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and

implemented.

- Permanent artificial bat boxes / bricks / tiles and wild bird nests (for example Swallow/swift cups and sparrow terrace / boxes and barn owl box) should be installed within / on buildings or predator pole if possible.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodlands and wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance). See <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit and managed appropriately in the long term.
- Good practice construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
 - No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
 - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful,

detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.